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# RESTATEMENT OF THE LAW

## Second

# CONFLICT OF LAWS 2d

Volume 1

§§ 1-221

*As Adopted and Promulgated*

BY

THE AMERICAN LAW INSTITUTE

AT WASHINGTON, D. C.

May 23, 1969

ST. PAUL, MINN.

AMERICAN LAW INSTITUTE PUBLISHERS

1971

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## Ch. 6

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## PROCEDURE

## § 137

31 Cal.2d 573, 191 P.2d 747 (1948); Corbett v. Stergios, 126 N.W.2d 342 (Iowa 1946); Vergmani v. Guidetti, 303 Mass. 450, 32 N.E.2d 272 (1941); Re Hunter's Estate, 125 Mont. 315, 263 P.2d 94 (1951); see also Crashley v. Press Publishing Co., 179 N.Y. 27, 71 N.E. 258 (1904); Currie, *supra*, at 1018-1021; Ehrenzweig, *supra* at 362.

*Comment h*, fourth paragraph. See Leach v. Pillsbury, 15 N.H. 137 (1844); Haines v. Cook Electric Co., 20 A.D.2d 517, 244 N.Y. S.2d 483 (1st Dep't 1963); Nussbaum, The Problem of Proving Foreign Law, 50 Yale L.J. 1018, 1040-1042 (1941).

## TITLE B. WITNESSES AND EVIDENCE

## § 137. Witnesses

The local law of the forum determines what witnesses are competent to testify and the considerations that may affect their credibility.

## Illustrations:

1. A is convicted of a crime in state X. A is called upon to testify in a suit in state Y. Whether A is barred from testifying by reason of his conviction in X will be determined by Y local law.

2. By the local law of state X, evidence of a man's criminal record can be introduced to affect his credibility as a witness. By the local law of state Y, such evidence is inadmissible. In a suit in Y on a claim which arose in X, a citizen of X is a witness. Evidence of his criminal record will not be admitted for the purpose of affecting his credibility.

## Comment:

a. As to the law governing privileges against the disclosure of confidential information, see § 139.

## REPORTER'S NOTE

See Tri-State Transit Co. v. Ry. Co., 80 Minn. 488, 83 N.W. 446 (1906); Sims v. Sims, 75 N. (1939); McAllister v. Smith, 17 Y. 466 (1878); 3 Beale, Conflict of Laws 1612 (1935); Stumberg, v. Green, 17 Mass. 516 (1822); Conflict of Laws 140 (3d ed. Jones v. Chicago, St. P., M. & O. 1963).

See Appendix for Court Citation and Cross References

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## **MONTE LYNN JORDAN**

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### **GENERAL**

- Proven skills in an enforcement capacity and in high public contact positions.
- Able to assume leadership roles and manage projects effectively.
- Creative project catalyst and problem-solver.

### **MANAGEMENT**

- Skilled in identifying, setting and developing strategies to achieve organizational goals.
- Highly organized, excellent judgment, able to think clearly and make sound decisions.
- Able to work in very independent, supervisory roles.

### **SPECIAL SKILL AREAS**

- Trained as Mediator – 217 hours of training.
- Certified Facilitator of People Skills program (The Effectiveness Institute, Inc.).
- In-depth working knowledge of wage and hour law.
- Proven ability in working effectively with people in high stress situations.
- Experienced presenter and facilitator in small and large group settings.

### **BRIEF EMPLOYMENT HISTORY**

**Wage & Hour Supervising Investigator** – Alaska Department of Labor / Fairbanks, AK /90 to 8/04 (Retired). Supervised 2-3 investigators, technician and secretary as Wage & Hour Administration's Supervisor in Fairbanks. Investigated alleged violations of State wage and hour law. Adhered to rules of evidence, collected data, conducted formal hearings, and ruled on findings. Acted as advocate for claimants in small claims court. Delivered formal and informal presentations, including a seminar in Labor Law through the University of Alaska, Tanana Valley campus. Conducted detailed audits of payroll records to determine violations and wages/penalties owed.

**Wage & Hour Investigator I** – Alaska Department of Labor / Fairbanks, AK 9/85-1/90  
Duties are similar to above position. Investigated Title 36 Public Contracts (public construction) projects and supervised one technician; and investigated Title 23 Wage and Hour complaints. Conducted detailed audits of payroll records in wages claims to determine amounts owed. Conducted onsite visits and investigations. Enforced Child Labor laws.

**Wage & Hour Technician** – Alaska Department of Labor / Fairbanks, AK 11/82 – 9/85  
Provided investigative and administrative support to Wage and Hour Investigators in public contracts enforcement. Conducted onsite visits and audits of public construction projects.

**Clerk IV** – Alaska Department of Labor / Fairbanks, AK 1/78-11/82. Conducted claimant intake and evaluation. Performed a wide range of administrative support duties - preparing, typing and editing reports, responding to public by phone and in person, and processing mail. Duties included receipt and payment of wages collected and monitoring petty cash fund.

**Prior to 1978** – Employed as State Trooper Dispatcher, Bank Teller/Bookkeeper, Service Attendant/Anchorage Public Schools, Clerk for FAA and actively raising three children.

**MONTE LYNN JORDAN**

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**EDUCATION**

**Mediation Training:** Peaceful Settlements Training; The Conflict Resolution Process/ UAF 16 hours - 1998; Alaska Department of Corrections – Victim Offender Dialogue Training / 27 hours – 2002; Mediation Skills I, Mediation Skills II and Negotiation Skills Level I at the Justice Institute of British Columbia / 77 hours 2002-2003; The Mediation Process by CDR Associates/40 hours 2003; Mediation in the Workplace - FMCS Institute for Conflict Resolution / 36 hours - 2004. North Star Youth Court Mediator Corps – Parent/Teen Mediation Training /21 hours – 2005.

**Certificate:** Investigations/Civil Law Enforcement/ Public Safety Academy, Sitka, AK 7/88 – 40 hours. Administrative Law Fair Hearing /University of Nevada, Reno 1989 - 80 classroom hours in conduct of administrative hearings. Team Leader for National Judicial College/ Administrative Law Fair Hearing Seminar – additional 80 classroom hours. Grievance Investigation /Alaska Public Employees Association, UCLA, San Jose, CA. Certified Investigator /The Council on Licensure, Enforcement and Regulation (national organization) held in Anchorage, AK / Received certification - 1993.

**Undergraduate Studies and Training:** Four quarters in Liberal Arts & English/Western Washington University at Bellingham, WA. Additional semester hours in Art at UAA and completed Criminal Justice courses and the Legal Environment of Business at UAF. Successfully completed numerous employer-sponsored and self-directed professional development seminars in handling employee grievances, conducting performance appraisals, constructive use of authority, computer operation, office administration and management.

**COMMUNITY SERVICE**

Long time involvement as community organizer, coordinator and hands-on volunteer.

**Board Member and Chair**

- Resource Center for Parents & Children
- Fairbanks Community Development Foundation
- Woodside North Homeowners Association

**Fairbanks Sunrisers Rotary** – Member since 1989. Held various positions including President 2004/2005 Rotary year.

**Fairbanks North Star Borough**

- Animal Control Commission/Commissioner  
Conducted Hearing and Investigator training (3 years)
- Salaries and Emollients Commission (through 2004)
- Member Legal Committee/ 1991 Mayor's Transition Team

**Running Activities** – Assistant Race Director/Equinox Kids Marathon 2003 – 2005

**PERSONAL INFORMATION**

Excellent health - no physical limitations. Non-Smoker. No Dependents. Interests include running, x-country skiing, writing, travel, the arts and adventure. Valid Driver's License.



**MONTE LYNN JORDAN**

**REFERENCES**

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